

AO 91 (Rev. 11/11) Criminal Complaint

FILED

July 07, 2023

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

UNITED STATES DISTRICT COURT

for the

Western District of Texas

BY: Veronica Medina
DEPUTY

United States of America

v.

Carlos Yahir CARDONA Marcial

Case No. **EP-23-MJ-2042-LS***Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 6, 2023 in the county of El Paso in the
Western District of Texas, the defendant(s) violated:*Code Section*

Title 18 U.S.C. § 554(a)

Offense Description

Whoever fraudulently or knowingly exports or sends from the United States, or attempts to export or send from the United States, any merchandise, article, or object contrary to any law or regulation of the United States, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of such merchandise, article or object, prior to exportation, knowing the same to be intended for exportation contrary to any law or regulation of the United States, to-wit: approximately 3150 rounds of .45 ACP caliber ammunition.

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.Complaint sworn to telephonically on
July 07, 2023 at 01:34 PM and signed
electronically. **FED.R.CRIM.P. 4.1(b)(2)(A)**

Sworn to before me and signed in my presence.

Date: 07/07/2023City and state: El Paso, Texas
Complainant's signature

Charles Bachhuber, HSI Special Agent

Printed name and title*Judge's signature*

Robert F. Castaneda, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

Your affiant makes this affidavit based on his knowledge as well as information provided by other law enforcement officers. Your affiant has not included each and every fact known concerning this investigation. Your affiant has set forth only the facts necessary to establish probable cause for the arrest of Carlos Yahir CARDONA Marcial.

On July 6, 2023, United States (U.S.) Customs and Border Protection Officers (CBPOs) were conducting outbound inspection operations at the Ysleta Port of Entry in El Paso, Texas. On July 6, 2023, at approximately 4:32 p.m., a CBPO selected a white 2016 Scion tC bearing Texas license plates for inspection as the vehicle attempted to depart the U.S. to Mexico. The CBPO asked the driver and sole occupant of the vehicle, Carlos Yahir CARDONA Marcial ("CARDONA"), where he was headed and CARDONA replied he was traveling to Juarez, Mexico, to visit his grandmother and to get an oil change. CARDONA told the CBPO he was the owner of the vehicle and provided a negative Customs declaration to the CBPO for weapons, ammunition, and currency over ten thousand dollars (\$10,000.00).

A second CBPO began inspecting the interior of the vehicle and discovered several boxes of ammunition concealed underneath the rear seat of the vehicle. Further inspection of the vehicle resulted in the discovery of approximately three thousand one hundred fifty (3150) rounds of .45 ACP caliber ammunition concealed in the backrests of the front vehicle seats, the doors, the rear seating area panels, and underneath the rear vehicle seat.

CARDONA was advised of his Miranda Rights by Homeland Security Investigations (HSI) Special Agent (SA) Jesus Garcia in the Spanish language and witnessed by HSI SAs Charles Bachhuber and Jose Garcia. CARDONA waived his rights both verbally and writing and chose to answer questions without the presence of an attorney.

CARDONA told agents his cousin had previously been arrested for smuggling firearms or ammunition. CARDONA stated, a week prior to July 6, 2023, his cousin asked to borrow CARDONA's vehicle, the white 2016 Scion tC, to take some stuff. CARDONA stated he did not know what "stuff" was, but thought it was something illegal, possibly firearms or ammunition. CARDONA stated his cousin had borrowed CARDONA's vehicle several times in the last week but had not loaded anything in the vehicle.

CARDONA stated he picked up the white 2016 Scion tC from his cousin on July 5, 2023. CARDONA stated, when he picked up the vehicle, his cousin gave CARDONA five (5) cardboard boxes that contained ammunition. CARDONA stated his cousin told CARDONA to take the boxes to CARDONA's apartment, open them, and then tell CARDONA's cousin how much ammunition was in the boxes. CARDONA stated he went home to his apartment, counted the ammunition, and then contacted his cousin. CARDONA stated his cousin told CARDONA to put the ammunition in CARDONA's vehicle and to leave the vehicle keys inside the vehicle. CARDONA stated his cousin told CARDONA that his cousin and another individual were going to hide the ammunition in the vehicle.

CARDONA stated his cousin took for possession of CARDONA's vehicle for a couple hours in the morning on July 6, 2023. CARDONA stated his cousin called CARDONA and told CARDONA the vehicle was parked near CARDONA's apartment, and the vehicle keys were in the vehicle. CARDONA stated his cousin called again a couple hours later and told CARDONA to take the vehicle to Juarez because the person who was supposed to take the vehicle was not

AFFIDAVIT

available. CARDONA stated his cousin sent him an address in Juarez, Mexico, where CARDONA was to take the vehicle. CARDONA stated he took his vehicle and ran some errands. CARDONA stated the vehicle felt heavy and CARDONA heard something rattling inside the vehicle. CARDONA stated, after completing his errands, he drove to the port of entry, where he was stopped by CBPOs.

CARDONA told agents he knew what he did was wrong. CARDONA stated he knew it was illegal to take ammunition to Mexico and he did not have a license to export ammunition to Mexico.

Your affiant is aware that ammunition is controlled for export to Mexico on the Commerce Control List. Your affiant is also aware that a license, issued by the U.S. Department of Commerce, is required for the export of ammunition to Mexico.


Charles Bachhuber, HSI Special Agent